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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,923	12/19/2000	Rajeev Krishnamurthi	QCPA509C	4873

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EXAMINER

ZEWDU, MELESS NMN

ART UNIT PAPER NUMBER

2683

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/739,923	<b>Applicant(s)</b> KRISHNAMURTHI ET AL.	
	<b>Examiner</b> Meless N Zewdu	<b>Art Unit</b> 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-18 and 36-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-18 and 36-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 0200 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the communication filed on 8/6/04.
2. Claim 1 was cancelled in a previous amendment.
3. Claims 19-35 are cancelled in the current amendment.
4. Claims 36-51 are added new claims.
5. Claims 2-18 and 36-51 are pending in this action.
6. The previous claim rejection provided under –35 USC §112 has been withdrawn since the problem was properly addressed in the current amendment.
7. This action is final.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art

to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7, 11, 15, 17, 36, 41, 48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan et al. (Dolan) (US 6,396,820 B1) in view of Bilgic et al. (Bilgic) (US 5,884,148).

**As per claim 2:** In a communication system, a method comprising:

receiving, at the base station, a base station service response message from said mobile switching center for acknowledging a call setup request by said base station reads on '820 (see col. 6, lines 29-33; col. 10, lines 6-19). But, Dolan does not explicitly teach about Initiating a base station-initiated call from a base station to a mobile station by sending a base station service request from the base station to a mobile switching center, as claimed by applicant. However, in a related field of endeavor Bilgic teaches that a base station is capable of analyzing a received call from a subscriber station and based on the analysis, initiates a call setup request message (col. 2, lines 61-65) to a base station controller/MSC (see col. 12, lines 49-57) to which, the BSC, in turn sends a Service Response message to the base station (see col. 12, lines 23-25; also see fig. 1; claims 5, 13, 16, 26, and 28). It is evident in fig. 1 that even though the

dialed telephone number comes from wired devices, the connection with the base station is carried out via the URC wirelessly. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Dolan with that of Bilgic for the advantage of providing the flexibility and mobility afforded by a wireless service to an end user of a standard non-wireless device (see col. 2, lines 29-37).

**As per claim 36:** the features of claim 36 are similar to the features of claim 2. The difference is that claim 2 is a method claim and claim 36 is the apparatus to carryout the method steps of claim 2. Hence, claim 36 is rejected on the same ground and motivation as claim 2.

**As per claim 7:** The method wherein said base station Service Request contains, an identity of a mobile station on '820 (see col. 6, lines 25-51). It is know and obvious for a mobile station to use a mobile an identity in order to get access and service from a network, for instance see '820 (col. 21, lines 11-18).

**As per claim 11:** The method further comprising:

determining said base station-initiated call is for a mobile station within a serving region of said mobile switching center reads on '820 (see

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col. 6, lines 25-51). As modified above, the base station of the prior art would be able to initiate call setup message and the switching center would not be providing service unless a subscriber is within its jurisdiction/service region, as determined from received user's identification (see claim 7).

**As per claim 15:** the method further comprising:

receiving at said base station a request from a packet data network for establishing a packet data communication call with the mobile station reads on '820 (see col. 6, lines 18-51).

**As per claim 17:** the method further comprising:

receiving at said base station at least a packet data for transmission from a packet data network to the mobile station reads on '820 (see col. 6, lines 18-51).

**As per claim 41:** the feature of claim 41 is similar to the feature of claim 7.

Hence, claim 41 is rejected on the same ground as claim 7.

**As per claim 48:** the feature of claim 48 is similar to the feature of claim 15. Hence, claim 48 is rejected on the same ground and motivation as claim 15.

**As per claim 50:** the feature of claim 50 is similar to the feature of claim 17. Hence claim 50 is rejected on the same ground and motivation as claim 17.

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17.

Claims 3, 12-14 and 37, 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan in view of Bilgic as applied to claims 1 and 36 above, and further in view of Spartz et al. (Spartz) (US 6,178,337 B1).

**As per claim 3:** the above references do not explicitly teach about sending a paging request message from said mobile switching center to said base station for establishing base station initiated call, as claimed by applicant. However, in a related field of endeavor, Spartz teaches that a mobile switching center (MSC) via the BSC A-interface sends a paging message to a base station, in accordance with the A-interface protocol, for establishing communication with a mobile station (see col. 14, lines 2-57). In other words Spartz is teaching that sending a page message from an MSC to a base station is a standard protocol. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to make a MSC page a base station since to do so is a standard practice, as taught by Spartz.

**As per claim 37:** the feature of claim 37 is similar to the feature of claim 3. Hence claim 37 is rejected on the same ground and motivation as claim 3.

**As per claim 12:** the method further comprising:

    sending a page message from said base station to the mobile station over a paging channel reads on '337 (see col. 14, lines 26-35).

**As per claim 45:** the feature of claim 45 is similar to the feature of claim 12. Hence, claim 45 is rejected on the same ground and motivation as claim 12.

**As per claim 13:** the method further comprising:

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receiving a page response message from said mobile station at said base station through an access acknowledging reception of said page message from said base station reads on '337 9(see col. 14, lines 20-35).

**As per claim 46:** the feature of claim 46 is similar to the feature of claim 13. Hence, claim 46 is rejected on the same ground and motivation as claim 13.

**As per claim 14:** the method further comprising:

Establishing said base station-initiated call between said mobile station and said base station reads on '148 (see col. 2, lines 50-65; col. 22, lines 43-45).

**As per claim 47:** the feature of claim 47 is similar to the feature of claim 14. Hence, claim 47 is rejected on the same ground and motivation as claim 14.

Claims 4-6, 16, 18, 38-40, 49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan in view of Bilgic as applied to claims 1 and 36 above, and further in view of Manning et al. (Manning) (US 6,519,266).

**As per claim 4:** The method further comprising:

wherein said base station initiated call is for said mobile station reads on '337 (see col. 17, line 47-col. 18, line 14). According to the combination shown in the rejections of claims 2 and 19, a base station would be able to initiate call for any device having URC, which will enable the device become mobile. But, Dolan in view of Bilgic do not explicitly teach about establishing a Dormant state between a mobile station and said base station prior to said sending said base station Service Response message,



as claimed by applicant. However, in a related field of endeavor, Manning teaches that a dormant state can be established between a mobile station and a network (see col. 2, line 65-col. 4, line 26, particularly col. 3, line 39-col. 4, line 26). It is obvious that a base station would have been part of the network. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above reference/s with the teaching of Manning for the advantage of enabling mobile stations to be in a dormant state when there is not data to transmit/send and in an active state when there is data to send/transmit (see col. 3, line 57-col. 4, line 16).

**As per claim 5:** The method further comprising:

terminating all physical channels between said base station and said mobile station for said establishing said Dormant state reads on reads on '266 (see col. 3, lines 57-64; col. 4, lines 9-16).

**As per claim 6:** But, The method further comprising:

maintaining a Point to Point Protocol between said mobile station and a Packet Data Network during said Dormant state reads on '266 (see col. 3, line 38-col. 4, line 26).

**As per claim 16:** The method further comprising:

detecting a Dormant state between said mobile station and said base station reads on '266 (see col. 4, lines 9-16). Time is provided as means/detector for putting the mobile on a dormant state.

**As per claim 18:** The method further comprising:

detecting a Dormant state between said mobile station and said base station '266 (see col. 4, lines 9-16). Time is provided as means/detector for putting the mobile on a dormant state.

**As per claim 38:** the feature of claim 38 is similar to the feature of claim 4.

Hence, claim 38 is rejected on the same ground and motivation as claim 4.

**As per claim 39:** the feature of claim 39 is similar ot the feature of claim 5.

Hence, claim 39 is rejected on the same ground and motivation as claim 5.

**As per claim 40:** the feature of claim 40 is similar to the feature of claim 6.

Hence, claim 40 is rejected on the same ground and motivation as claim 6.

**As per claim 49:** the feature of claim 49 is similar to the feature of claim

18. Hence, claim 49 is rejected on the same ground and motivation as claim 18.

**As per claim 51:** the feature of claim 51 is similar to the feature of claim 18. Hence, claim 51 is rejected on the same ground and motivation as claim 18.

Claims 8-10 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan in views of Bilgic, as applied to claims 2 and 19 and further in view of McWilliams (US 6,272,547B1)

**As per claim 8:** But, Dolan in view of Bilgic do not explicitly teach about starting a timer for counting an elapsed time from said sending said base station Service Request, as claimed by applicant. However, in a related field of endeavor, McWillimas teaches about a message sending and receiving computers using a message service for transferring a small amount of data files controlled by the initiating computer wherein the initiator sends a request message to the responder and at the same time it starts a timer (see col. 7, lines 26-36). Here, one skilled in the art would realize that the question is not fitting a timer into a device that requires one. The key question is the teaching of measuring time in association with electronic message (wireless or could be wired) to measure the time/delay. It is also to be noted that a base station and a base station controller includes computers that communicate each other using messaging data.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify Dolan in view of Bilgic with the teaching of McWillimas for the advantage of reliably transferring/sending data/messages from one entity/computer to another (see col. 1, lines 18-22).

**As per claim 9:** The method further comprising:

re-sending said base station Service Request when said elapsed time exceeds a predetermined elapsed time reads on '547 (see col. 7, lines 26-36).

**As per claim 10:** The method further comprising:

stopping said timer when said base station Service Response message is received by said base station reads on '547 (see col. 7, lines 26-36). The timer in the instant reference stops/restarts, when the set time is reached. It is obvious that the same timer would stop upon detecting a response from a responding device. If not, the sender would not know whether or not the message is received and the timer would keep repeating because it is not detecting a response that would stop it.

**As per claim 42:** the feature of claim 42 is similar to the feature of claim 8.

Hence, claim 42 is rejected on the same ground and motivation as claim 8.

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**As per claim 43:** the feature of claim is similar to the feature of claim 9.

Hence, claim 43 is rejected on the same ground and motivation as claim 9.

**As per claim 44:** the feature of claim 44 is similar to the feature of claim

44. Hence, claim 44 is rejected on the same ground as claim 10.

### ***Response to Arguments***

Applicant's arguments with respect to claims 2-18 and 36-51 have been considered but are moot in view of the new ground(s) of rejection. Note: the combination of the prior art clearly shows that a base station initiates a call setup. Examiner realizes that applicant is attempting to show that the claimed base station initiates a call setup without being requested from other sources. But, the claims do not reflect that feature. Therefore, a suggestion is forwarded, to distinguish over the prior art, to define a procedure that shows the claimed base station sets up a call without a request from other sources.

### ***Conclusion***

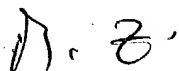
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu



Examiner

08 November 2004.



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